

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO
ALL MASSACHUSETTS CLASS ACTIONS
CONCERNING CLASSES 2 & 3

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**ASTRAZENECA'S MOTION FOR ENTRY OF AN ORDER GRANTING JUDGMENT
AND DISMISSING CLASS 2 AND CLASS 3 CLAIMS
RELATED TO PULMICORT RESPULES®**

Defendant AstraZeneca Pharmaceuticals LP ("AstraZeneca") hereby moves for entry of an order granting judgment and dismissing all claims asserted by Massachusetts Class 2 and Class 3 under Mass. Gen. Laws ch 93A with respect to Pulmicort Respules®. Counsel for AstraZeneca have conferred with counsel for Plaintiffs, and Plaintiffs do not oppose this motion.

At a hearing on July 12, 2010 regarding proposed settlements between defendant AstraZeneca Pharmaceuticals LP ("AstraZeneca") and Class Plaintiffs, the Court requested that counsel for AstraZeneca take steps to resolve Massachusetts Class claims related to Pulmicort Respules®. As set forth more fully in the enclosed proposed Order, Plaintiffs conceded prior to trial that AstraZeneca is entitled to summary judgment with respect to these claims, and there was no proof adduced at trial which could support these claims.

Dated: August 2, 2010

Respectfully Submitted,

By: /s/ D. Scott Wise

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendant AstraZeneca Pharmaceuticals LP conferred with counsel for plaintiffs on this motion, and that counsel for plaintiffs does not oppose the motion.

/s/ D. Scott Wise
D. Scott Wise, Esq.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered on August 2, 2010 to counsel for plaintiffs and to all counsel of record by electronic service via LexisNexis File & Serve.

/s/ D. Scott Wise
D. Scott Wise, Esq.